IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 25382 of 2007(V)

OA.108/2000 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

PETITIONER:

JESSY T.E., AGED 39, W/O. SPARTEN AND D/O. LATE T.J.EDWARD, NILAVARETH HOUSE, KALOOR, KOCHI-17.

BY ADV. SRI.P.V.GEORGE(PUTHIYIDAM) SMT.S.HEMA

RESPONDENTS:

1. **CANARA BANK, BANERJI ROAD, CARMEL CENTRE, ERNAKULAM, KOCHI-18, REPRESENTED BY MANAGER AND POWER OF ATTORNEY HOLDER.**
2. **M/S. JODWAR TIME CORPORATION, 48/1312 A, PALIYATH HOUSE, BABY SMARAKA ROAD, ELAMAKKARA, ERNAKULAM, REPRESENTED BY ITS PROPRIETOR, T.E.CHRISTOPHER, NOW RESIDING AT THOPPIL, CHERUPUSHPALAYAM, L.F.C.ROAD, KALOOR, KOCHI-17.**
3. **T.E.CHRISTOPHER, S/O. T.J.EDWARD, PALIYATH HOUSE, BABY SMARAKA ROAD, ELAMAKKARA, ERNAKULAM, NOW RESIDING AT THOPPIL, CHERUPUSHPALAYAM, L.F.C.ROAD, KALOOR, KOCHI-17.**
4. **SMT. ISABELLA MARY, W/O.LATE T.J.EDWARD, PALIYATH HOUSE, BABY SMARAKA ROAD, ELAMAKKARA, ERNAKULAM, NOW RESIDING AT THOPPIL, CHERUPUSHPALAYAM, L.F.C.ROAD, KALOOR, KOCHI-17.**

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5. T.E.MANUEL, S/O. LATE T.J.EDWARD,
HOUSE NO.XLIV, THOPPIL, CHERUPUSHPALAYAM LANE,
L.F.C.ROAD, KALOOR, KOCHI-17.

6. RECOVERY OFFICER,
DEBTS RECOVERY TRIBUNAL, ERNAKULAM,
8TH FLOOR, K.S.H.B. BUILDING, PANAMPILLY NAGAR,
KOCHI-36.

BY ADV. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.25382/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE BASIC LAND TAX RECEIPT DT. 23.10.96 ISSUED BY ELAMKULAM VILLAGE OFFICER FOR THE MORTGAGED PROPERTY.

EXT.P2:- COPY OF THE ORDER DT. 14.3.02 PASSED BY DEBT RECOVERY TRIBUNAL, ERNAKULAM IN OA. 108/2000.

EXT.P3:- COPY OF THE DEMAND NOTICE DT. 19.6.03 AFFIXED BY 6TH RESPONDENT.

EXT.P4:- COPY OF THE IA. NO.848/03 FILED BEFORE THE DEBT RECOVERY TRIBUNAL, ERNAKULAM.

EXT.P5:- COPY OF THE IA. NO.850/03 FILED BEFORE THE DEBT RECOVERY TRIBUNAL, ERNAKULAM.

EXT.P6:- COPY OF THE IA. NO.849/03 FILED BEFORE -DO- -DO-

EXT.P7:- COPY OF THE IA.NO.847/03 FILED BEFORE -DO- -DO-

EXT.P8:- COPY OF THE ORDER DT. 8.3.04 DISMISSING IA. NO.847/03 PASSED BY DEBT RECOVERY TRIBUNAL ERNAKULAM.

EXT.P9:- COPY OF THE ORDER DT. 23.3.04 DISMISSING IA. NO.843/03 OF THE -DO- -DO-

EXT.P10:- COPY OF THE ORDER DT. 8.3.04 DISMISSING IA. 849/03 OF THE -DO-.

EXT.P11:- COPY OF THE ORDER DT. 23.3.04 DISMISSING IA. NO.850/03 OF THE -DO- -DO-.

EXT.P12:- COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPC NO.23058/04 DT. 22.11.06.

EXT.P13:- COPY OF THE COMMON ORDER DT. 23.7.07 PASSED BY 6TH RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

tss

V.GIRI,J.

W.P.(C) No.25382 2007

Dated this the 19th day of September, 2007

JUDGMENT

The challenge in the writ petition is against Ext.P13 order passed by the Recovery Officer under the Recovery of Debts due to Banks and Financial Institutions Act 1993. The order is clearly appealable under Section 30 of the said Act. In the circumstances, the petitioner is free to avail the same.

2. Learned counsel for the petitioner points out that the time for filing an appeal would have expired. In the circumstances, if an appeal against Ext.P13 is preferred within a period of one month from today, the same shall be treated by the appellate authority as within time and appropriate orders shall be passed in this regard.

Subject to the above observation, the writ petition is disposed of.

V.GIRI, JUDGE

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